

**CHAPTER 13**  
**RULES IMPLEMENTING THE HIGHER ED-  
 UCATION TECHNOLOGY INFRA-  
 STRUCTURE FUND ACT**

**Authority**

N.J.S.A. 18A:72A-59 through 71 and P.L. 1997, c.238.

**Source and Effective Date**

R.2003 d.109, effective February 6, 2003.  
 See: 34 N.J.R. 3673(a), 35 N.J.R. 1269(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, expires on August 4, 2008. See: 39 N.J.R. 5042(a).

**Chapter Historical Note**

Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, was adopted as R.1998 d.46, effective January 20, 1998. See: 29 N.J.R. 4611(a), 30 N.J.R. 364(a).

Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, was readopted as R.2003 d.109, effective February 6, 2003. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**9A:13-1.1 Purpose and authority**

The following rules implement the Higher Education Technology Infrastructure Fund Act, P.L. 1997, c.238, an act supplementing the New Jersey Educational Facilities Authority Act, Chapter 72A of Title 18A of the New Jersey Statutes.

**9A:13-1.2 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the New Jersey Educational Facilities Authority Act, N.J.S.A. 18A:72A-1 et seq.

“Amending Act” means the Higher Education Technology Infrastructure Fund Act, P.L. 1997, c.238.

“Authority” means the New Jersey Educational Facilities Authority or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the Authority shall be given by law.

“Bond” or “bonds” means bonds or notes of the Authority issued pursuant to the authority granted by the Amending Act.

“Commission” means the New Jersey Commission on Higher Education.

“Executive Director” means the Executive Director of the New Jersey Commission on Higher Education.

“Grant” means funds requiring approval by the Commission for a project pursuant to the Amending Act from the Higher Education Technology Infrastructure Fund.

“Infrastructure fund” means the Higher Education Technology Infrastructure Fund as created by chapter 238, P.L. 1997.

“Institution” means a public or private institution of higher education that is eligible to receive State aid.

“Interinstitutional” means between two or more institutions.

“Intrainstitutional” means within an institution’s campus or between campuses of a multicampus institution.

“Matching funds” means funds equal to or greater than a grant from the infrastructure fund, which are allocated by the institution for the specific project for which the grant funds are used, and which are generated from institutional sources, other grants, borrowing through the Authority, or other sources.

“Presidents’ Council” means a body established in accordance with N.J.S.A. 18A:3B-7 which consists of the presidents of the 45 public and independent institutions of higher education that receive State aid and four presidents who represent the 10 degree-granting religious and proprietary institutions in New Jersey.

“Project” means a project funded by an infrastructure fund grant and matching funds to develop technology infrastructure within or among institutions of higher education or between such institutions and libraries or elementary/secondary schools.

“Technology infrastructure” means video, voice, and data telecommunications equipment and linkages, including transport services and network interconnections, as well as future developments in multimedia equipment and linkages. Only computer software that is part of the operating or data base management systems is considered part of technology infrastructure for the purpose of the Amending Act; application

software, for purposes such as word processing, spreadsheets, desktop publishing, and e-mail, does not qualify as technology infrastructure.

### 9A:13-1.3 Allocation of funds

(a) Grants from the technology infrastructure fund shall be used only to acquire technology infrastructure.

(b) The grants from the technology infrastructure fund shall be allocated initially as follows:

1. \$12,600,000 for technology infrastructure at the State colleges/universities;
2. \$7,722,000 for technology infrastructure at Rutgers, the State University;
3. \$4,306,500 for technology infrastructure at the University of Medicine and Dentistry of New Jersey;
4. \$2,821,500 for technology infrastructure at the New Jersey Institute of Technology;
5. \$12,600,000 for technology infrastructure at the community colleges;
6. \$4,950,000 for technology infrastructure at private institutions of higher education;
7. \$5,000,000 for interconnectivity among higher education institutions; and
8. \$5,000,000 for nonmatching public library grants or for Statewide library initiatives through the New Jersey State Library.

(c) The Commission shall, by resolution, allocate funds to individual State colleges/universities, community colleges, and private institutions of higher education within the sector allocations above.

(d) Grants for higher education institutions shall require matching funds equal to the amount of the grant requested. The matching funds shall be used for the same purposes as the grant funds, although up to 10 percent of the matching funds may be devoted to costs directly associated with the grant but not within the definition of technology infrastructure.

(e) The Commission shall reallocate any balance in the amount authorized in (b)1 through 7 above for which the Commission has not approved a grant by March 3, 1999 or within 18 months of subsequent allocations by the Commission.

(f) No reallocation shall be made pursuant to (e) above if:

1. The grant application has been received by the Commission by March 3, 1999 or within 18 months of any

amounts that are subsequently allocated by the Commission;

2. Delays are the result of Federal, State, or local government approvals or regulatory requirements not attributable to the institution; or

3. In the sole determination of the Commission there are other compelling and documentable reasons.

(g) The Executive Director shall contact all institutions to which technology infrastructure funds have been allocated 15 months after such allocation to determine what, if any, funds will become available for reallocation after 18 months.

(h) The Commission shall determine the allocation of moneys available if the State Treasurer authorizes bonds for additional grants to be issued by the Authority.

### 9A:13-1.4 Funding criteria

(a) The Commission shall approve a grant from the infrastructure fund providing the institution meets the following criteria. The institution must:

1. Commit, by resolution of its governing board, to maintaining the technology infrastructure proposed for purchase;
2. Have a long-range plan for technology and use the infrastructure fund grant to advance that plan;
3. Use the funds to enhance interinstitutional or intra-institutional connectivity and information technology as it relates to advancing the instructional, research, or service/economic development missions of the institution;
4. Use the funds to advance the institution toward the next level in establishing integrated voice, video, and data networks.
5. Ensure that interinstitutional networking enhancements are compatible with the recommended technology infrastructure for New Jersey higher education;
6. Provide matching funds equal to the amount of the grant requested; and
7. Address training, staffing, and other indirect costs related to the proposed use of funds.

### 9A:13-1.5 Grant application

(a) Upon approval by its governing board at a duly authorized meeting, an institution of higher education shall apply to the Commission for a grant from the infrastructure fund. The institution's proposal shall include the following items:

1. A complete description of the proposed technology infrastructure project;